

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Confirmation No. 1474

Donald Starr

Attorney Docket No.: STA-2.001.US

Serial No.: 10/775,669

Art Unit: 3752

Filed: February 9, 2004

Examiner: Kim, Christopher S.

For: TIRE ASSEMBLY SUPPORT FRAME FOR
IRRIGATION SYSTEMS

CERTIFICATE OF TRANSMISSION/MAILING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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RESPONSE TO RESTRICTION REQUIREMENT DATED JANUARY 10, 2008

This is in response to the office action dated January 10, 2008 (the "Action") regarding the above-identified application.

Election/Restrictions

The Examiner has required restriction of this invention to one of the following groups:

Group I - Claims 1-9, drawn to a support frame.

Group II – Claims 10-18, drawn to a tire assembly.

Group III – Claims 19-28, drawn to a corner sweeping unit.

Group IV – Claims 29-40, drawn to a wheel assembly.

Group V – Claims 41-42, drawn to a wheel assembly (corner sweeping).

Applicant elects to examine claims 29-40 of Group IV, with traverse. Applicant elects Figure 11 of species A (claims 29-40), with traverse.

Applicant traverses the restriction as lacking sufficient support for restriction between combination and subcombination inventions. In particular, the Action asserts that inventions II, IV, and V have separate utility such as in automobiles. Applicant traverses, because the utility suggested in the Action cannot be accomplished. For example, subcombination II, i.e., claims 10-18, is directed to a tire assembly of a mobile irrigation system that includes a tower structure. Such a structure has no utility in automobiles, because, as claimed in claim 10, for example, the tire assembly distributes the weight of the tower structure on the ground. Similarly, subcombination IV, i.e., claims 29-40, are directed to a wheel assembly for a mobile irrigation system having an elongated boom and a plurality of downwardly extending towers, each connecting to a wheel assembly. Such wheel assembly has no utility in automobiles. Furthermore, subcombination V, i.e., claims 41-42, is directed to a wheel assembly for a corner unit having an elongated boom and at least one downwardly extending tower connected to a wheel assembly, which has no separate utility in automobiles.

Applicant further traverses because the Action's classification appears to be inconsistent with the claimed subject matter. The Action puts claims 10-18 in class 239, subclass 726 directed to "Nozzles spaced along mobile pipelines." Applicant finds no support for this classification in the claims. Although Applicant is not suggesting any one particular classification, Applicant submits that the claims merit one reasonable classification.

Applicant traverses the requirement for species election because the Action does not provide a clear and detailed record of how the application is to be restricted (See MPEP 814). In particular, the Action fails to indicate the particular limitations in the claims and the reasons why such limitations are considered to support restriction of the

claims to a particular disclosed species. Although the Action refers to Species A, Figure 11 and Species B, Figure 14, the Action does not indicate which mutually exclusive features are relied upon to form the basis of the species restriction. Therefore, Applicant cannot elect a species and identify the claims encompassing the elected invention.

In view of the arguments above, Applicant respectfully requests reconsideration and withdrawal of the restriction requirement, as well as examination of the claims.

Applicant's designation is not to be construed as an admission that other claims do not read on a figure literally or under the doctrine of equivalents, but instead is made as an expedient to facilitate the search and examination

CONCLUSION

An action on the merits of the claims and a Notice of Allowance thereof are respectfully requested.

The Applicant believes that no fee is due at this time.

However, if necessary the Commissioner is hereby authorized to charge any fees, additional fees, or underpayments, or to credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,

GANZ LAW, P.C.

Date: 01-05-08



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